



CITY OF SAN JOSÉ, CALIFORNIA

Office of the City Clerk
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City Clerk

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA)
CITY OF SAN JOSE)

I, Lee Price, City Clerk & Ex-Officio Clerk of the Council of and for the City of San Jose, in said County of Santa Clara, and State of California, do hereby certify that "**Ordinance No. 28741**", the original copy of which is attached hereto, was passed for publication of title on the **27th day of April, 2010**, was published in accordance with the provisions of the Charter of the City of San Jose, and was given final reading and adopted on the **11th day of May, 2010**, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA, KALRA,
LICCARDI, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

VACANT: NONE.

Said ordinance is effective as of **11th day of June, 2010**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **13th day of May, 2010**.

(SEAL)

LEE PRICE, MMC
CITY CLERK & EX-OFFICIO
CLERK OF THE CITY COUNCIL

/rmk

ORDINANCE NO. 28741

**AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN
REAL PROPERTY SITUATED AT 1164 MCLAUGHLIN AVENUE FROM
R-1-8 SINGLE FAMILY RESIDENCE TO CG COMMERCIAL GENERAL
ZONING DISTRICT**

WHEREAS, all rezoning proceedings required under the provisions of Chapter 20.120 of Title 20 of the San José Municipal Code have been duly had and taken with respect to the real property hereinafter described; and

WHEREAS, the area encompassed by the subject proposed rezoning was the subject of an Environmental Impact Report (EIR) prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, and certified by the City Council on August 16, 1994; and

WHEREAS, the City Council has, on August 16, 1994, adopted Resolution No. 65459; and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject rezoning from the R-1-8 Single Family Residence Zoning District to the CG Commercial General Zoning District; and

WHEREAS, this Council does hereby certify that, as the decision-making body, it has considered and approves the information contained in such EIR and Resolution No. 65459 prior to acting upon or approving such project.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
SAN JOSE:**

SECTION 1. All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby rezoned as CG Commercial General Zoning District.

The subject property referred to in this section is all that real property situated in the County of Santa Clara, State of California, described in Exhibit "A" attached hereto and incorporated herein by this reference.

SECTION 2. The district map of the City is hereby amended accordingly.

SECTION 3. The land development approval that is the subject of City File No. C09-031 is subject to the operation of Part 2.75 of Chapter 15.12 of Title 15 of the San José Municipal Code. The applicant for or recipient of such land use approval hereby acknowledges receipt of notice that the issuance of a building permit to implement such

land development approval may be suspended, conditioned or denied where the City Manager has determined that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed by the California Regional Water Quality Control Board for the San Francisco Bay Region.

PASSED FOR PUBLICATION of title this 27th day of April, 2010 by the following vote:

AYES: CHIRCO, CHU, CONSTANT, HERRERA, KALRA,
LICCARDI, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

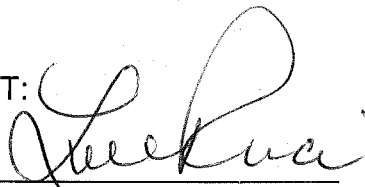
ABSENT: CAMPOS

DISQUALIFIED: NONE.



CHUCK REED
Mayor

ATTEST:



LEE PRICE, MMC
City Clerk

EXHIBIT A

File No. 11520623-285- VC

SCHEDULE C
LEGAL DESCRIPTION

All that certain real property situate in the City of San Jose, County of Santa Clara, State of California, described as follows:

Beginning at a point in the Northeasterly line of McLaughlin Avenue distant thereon South 38° 25' East 269.77 feet from the point of intersection of said Northeasterly line of McLaughlin Avenue with the Southeasterly line of Story Road; thence along the Northeasterly line of McLaughlin Avenue South 38° 25' East 95.00 feet to a one inch pipe; thence at right angles North 51° 35' East 105.00 feet to a one inch pipe; thence parallel with the Northeasterly line of McLaughlin Avenue, North 38° 25' West 95.00 feet; thence South 51° 35' West 105.00 feet to the place of beginning. Being a portion of that certain tract of land conveyed by Ila Jennings to Stella Shepard, dated August 30, 1937, recorded on August 31, 1937 in Book 837 of Official Records, Page 310 and situated in Pueblo Tract No. 1, San Jose City Lands, Santa Clara County, California.

Excepting therefrom all that certain real property described as follows:

Beginning at the Southernmost corner of that certain parcel of land deed from Harold K. Hestwood and Louise Hestwood to Howard K. Sell and Frances A. Sell by deed dated October 13, 1958, recorded October 20, 1958 in Book 4206 of Official Records at Page 426, Santa Clara County Records, said point also being in the Northeasterly line of McLaughlin Avenue (40.00 feet wide); thence from said point of beginning Northwesterly along said Southwesterly boundary of said lands of sell and said Northeasterly line of McLaughlin Avenue N. 38° W. 95.00 feet to the most Westerly corner of said lands of sell; thence Northeasterly along the Northwesterly boundary of said lands of Sell North 51° East 25.00 feet; thence South 34° 41' East 95.23 feet to the Southeasterly boundary of said lands of Sell; thence Southwesterly along said Southeasterly boundary South 51° West 18.34 feet to the point of beginning.

Also excepting therefrom all that certain real property described as follows:

Beginning at the Southernmost corner of that certain parcel of land Deed from Harold K. Hestwood and Louise Hestwood to Howard W. Sell and Frances A. Sell by deed dated October 13, 1958 and recorded October 20, 1958 in Book 4206 of Official Records, at Page 426, Santa Clara County Records, said point also being in the Northeasterly line of McLaughlin Avenue (40 feet wide), thence Northeasterly along said Southeasterly boundary of said land of Sell, N. 51° E., 25.00 feet to the true point of beginning; thence N. 38° W., 95.00 feet to the Northwesterly boundary line of said lands of Sell; thence S. 34° 45' E. 95.23 feet to the Southeasterly boundary of said land of Sell; thence Northeasterly along said Southeasterly boundary, N. 51° E. 6.66 feet to the true point of beginning.

ARB No: 477-16-022.01.01

APN No: 477-16-079

CO9-031